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8           *Attorneys for Defendant Michael Merrell*

**FILED**  
**DISTRICT COURT OF GUAM**  
**FEB - 7 2007**   
**MARY L.M. MORAN**  
**CLERK OF COURT**

6           **IN THE UNITED STATES DISTRICT COURT**

7           **FOR THE TERRITORY OF GUAM**

9           UNITED STATES OF AMERICA,

Magistrate Case No.07-00009

10           Plaintiff,

11           vs.

12           MICHAEL MERRELL,

**MOTION FOR LEAVE TO FILE  
FACSIMILE WAIVER OF APPEARANCE  
AND CONSENT TO PROCEED BEFORE  
UNITED STATES MAGISTRATE JUDGE  
IN A MISDEMEANOR CASE**

13           Defendant.

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16           Pursuant to G.R. 5.1(a) of the Local Rules of Practice for the District Court of Guam,  
17           Defendant Michael Merrell respectfully moves the Court for leave to file herein a facsimile copy  
18           of the Waiver of Appearance and Consent to Proceed Before United States Magistrate Judge in a  
19           Misdemeanor Case, which are attached hereto. The defendant is presently in Oklahoma and has  
20           executed the waiver and consent in that state. The signed originals are being sent to defense  
21           counsel via mail and will be filed with this Court immediately upon receipt.

22  
23           **RESPECTFULLY SUBMITTED** this 7<sup>th</sup> day of February, 2007.

24  
25           **LUJAN AGUIGUI & PEREZ LLP**

26           By: 

27  
28           **DELIA LUJAN, ESQ.**  
*Attorneys for Defendant Michael Merrell*